

REMARKS

Reconsideration of the pending patent application is requested.

Applicant would like to thank the Examiner for the thorough examination and indication that claims 4 and 13 would be allowable if they are rewritten to include the limitations in their independent claims and any intervening claims.

Applicant has canceled claims 7-10 as indicated in the Amendment.

Applicant has added new claims 17-21. The independent claim 17 is directed to an independent support, instead of the deck, to support the computer case above the floor. Claim 17 is disclosed in the Specification on page 5, lines 18-21. With respect to claims 19-21, Fig. 11 illustrates that the upright supports have a top portion defining a flat top surface for supporting the bottom of the computer case.

Rejection under 35 USC Sec. 103 (a)

Claims 1-6, 11, 12 and 14-16 are rejected under 35 USC Sec. 103 (a) as being unpatentable over Mardis in view of Gagnon. Applicant respectfully traverses the Examiner's rejection on the ground that the Examiner has not established a *prima facie* case of obviousness.

Contrary to the Examiner's assertion, Mardis is quite different from the claimed invention, in more aspects than just the flat base plate. Mardis is directed to achieving noise attenuation, by using the one-piece pedestal to minimize air flow and air turbulence during ventilation. (Mardis, col. 3, line 54). Mardis' stated goal of noise attenuating dictates its design and how it allows the air flow to be drawn from the outside.

Basically, Mardis discloses a noise-attenuating ventilation pedestal for an electronic enclosure 14, e.g. a computer case. Air is only drawn in through an air gap 22, which is formed between the upper end of the curved wall 20 surrounding the pedestal, and the base of the enclosure 14. (Mardis, col. 3, lines 60-65). The claimed invention, on the other hand, can draw its air directly from much more spacing and gaps between the upright supports and between the bottom of the computer case and the surface. The air path thus

does not go through bends, or directional changes, as in the case of Mardis, so that the speed of air flow for our ventilation purposes is not compromised. As clearly demonstrated in Mardis, its air flow goes through numerous directional changes, which are necessitated by its need to reduce air flow, so as to minimize turbulence. The present invention draws its air from many different angles, thus creating a more efficient air ventilation into the computer case as a result. The air intake difference between Mardis and the claimed invention is, thus, much more than a “design choice” and has significant functionality considerations.

Moreover, the “walls” Mardis explicitly uses to block the transmission of the inlet noise is precisely, by and large, what the claimed invention sets to avoid. The walls in Mardis helps block the noise, whereas the absence of walls in the claimed invention generates efficient air flow for ventilation purposes. Their differences are “night and day.”

Also in Mardis, the box fan 26 is attached to the bottom of the rubber exhaust nozzle 28 of the pedestal 10, which is then attached to the bottom of the enclosure 14. (Mardis, col. 4, lines 8-20). Mardis’ fan 26 is NOT mounted inside the opening within the computer case, as is the case of the claimed invention. Mardis’ fan forms a part of the pedestal 10, which is fitted to the enclosure 14. The present invention’s upright supports and the deck do not have the fan implemented therein. The upright supports are distinct from the fan.

Furthermore, contrary to the Examiner’s assertion, there is no motivation to modify Mardis based on the teaching of Gagnon. As primary means of sound absorption, Mardis relies on the existing flooring material (namely carpeting), which Mardis explicitly claims is an excellent sound absorber. (Mardis, col. 5, lines 34-44). As such, Mardis teaches away from using a flat base plate, which the Examiner asserts is disclosed by Gagnon, since such modification would be at odds with Mardis’ primary noise absorption means.

Finally, even if Mardis were modified by incorporating Gagnon’s teaching, the combination still would be differentiated from the claimed invention, based on the structural and functional reasons pointed out above.

In light of the above discussion, Applicant respectfully submits that the Examiner’s

reliance on Mardis in view of Gagnon has *not* established a *prima facie* case of obviousness. The Examiner's Sec. 103 rejection should be withdrawn and allowance of claims 1-6, 11, 12 and 14-16 be granted.

Rejections under 35 USC Sec. 102 and 103.

These rejections are moot in view of the cancellation of claims 7-10.

Conclusion

In light of the above discussion, Applicant respectfully submits that the Examiner's reliance on Mardis in view of Gagnon does not establish a *prima facie* case of obviousness. The Examiner's Sec. 103 rejection should be withdrawn and allowance of claims 1-6, 11, 12 and 14-16 be granted at the earliest opportunities.

The Examiner is encouraged to contact the undersigned attorney to discuss any matter relating the prosecution of the subject application.

Respectfully Submitted,

By: \_\_\_\_\_

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